

Appl. No. 09/489,310
Docket No. 7922
Amdt. dated 12/05/2007
Reply to Amendment dated 11/29/2007
Customer No. 27752

Remarks

The Board of Patent Appeals and Interferences issued its decision on September 26, 2007. Pursuant to 37 C.F.R. 1.198 and under MPEP 1214.07, prosecution is respectfully requested to be reopened in light of the Request for Continued Examination that is being submitted herewith. Thus, reconsideration of the present application, in view of the amendments above, is respectfully requested.

Claims 23-31 are pending and under consideration after the decision by the Board of Patent Appeals and Interferences.

Applicant has generally adopted the Examiner's suggested amendment from the Office Action of June 6, 2005, to independent claim 23. However, the specific language used by the Applicant has been changed to reflect that not only could a mammal be directed to ingest, for example by a doctor, but a mammal could decide on his or her own, for example after reading a product label, to ingest the beverage composition for the purpose of treating dental erosion. Thus, the amendment of claim 23 includes the phrase "who has decided to ingest, for the purpose of treating said dental erosion."

Therefore, it is submitted that claims 23-31, as amended, are allowable over the references of record.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the previous Office Actions but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

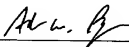
For the foregoing reasons and in view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. If, after reviewing this amendment, the Examiner feels that any issues remain that must be resolved before the application can be passed to issue, the Examiner is invited to contact the Applicant's undersigned representative by telephone to resolve such issues.

Respectfully submitted,

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